

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

Civil Action No. 03 MDL 1570 (RCC)  
ECF Case

This document relates to:

*Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.* 04 CV 1076 (RCC)

**NOTICE OF PLAINTIFFS' CROSS MOTION**

PLEASE TAKE NOTICE that pursuant to Rule 12 of the Federal Rules of Civil Procedure, and upon the Memorandum of Law and Declarations of Jerry S. Goldman, Esquire and Joshua Ambush, Esquire attached hereto, Plaintiffs, by and through undersigned counsel, will move the Court, before the Honorable Richard C. Casey, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on at a date and time to be determined by the Court, for an Order

1. Relative to the Plaintiffs' RICO Statement pertaining to Taha Al' Alwani:
  - a. Reconsidering the Court's Order relative to the Applicability of CMO 2, Par. 14 to Plaintiffs other than *Federal Insurance*; *or, in the alternative*,
  - b. Granting an Enlargement of Time pursuant to Rule 6(b) to Filing of a RICO Statement as to Taha Al' Alwani; *or, in the alternative*,
  - c. Allowing Plaintiff to Withdraw its Previously Filed RICO Statement; and/or
2. Striking Defendant Taha Al' Alwani's Motion to Dismiss;

3. Granting Leave to Amend the Plaintiffs' Complaint as Set Forth in Exhibit A;
4. .Granting Leave to Amend the Plaintiffs' Complaint in the Event that the Court finds a Deficiency in Pleading under Rule 12(b)(6).

Dated: November 18, 2005

Respectfully submitted,

---

Jerry S. Goldman, Esquire (JG8445)  
LAW OFFICES OF JERRY S. GOLDMAN  
& ASSOCIATES, P.C.  
111 Broadway, 13<sup>th</sup> Floor  
New York, NY 10006  
(212) 242-2232

*Attorneys for Plaintiffs, Estate of John P. O'Neill,  
Sr., et al.*

## **EXHIBIT A**

Note: Changes are marked in **BOLD**

**PROPOSED AMENDMENT NO. 1**

Caption (p. 2, 13<sup>th</sup> entry)

**Current Version**

Taha al Alwani a/k/a Dr. Taha Jabit Al'Alwani

**Current Version**

Taha al Alwani a/k/a Dr. Taha Jabir Al'Alwani

**PROPOSED AMENDMENT NO. 2**

Paragraph 36

**Current Version**

36. Defendants Saddam Hussein, the Estate of Qusay Hussein, the Estate of Uday Hussein, Husham Hussein, Tahya Yassin Ramadan a/k/a Taha Yassin Ramadan, Muhammed Madhi Salah a/k/a Muhhamed Mahdi Salah, Faruq Al-Hijazi, Salah Suleiman, Ahmed Khalil Ibrahim Samir al-Ani, Habib Faris Adullah al-Mamouri, Abdel Hussein, a/k/a "The Ghost," Haqi Ismail a/k/a Haqui Ismail, Taha Al Alwani a/k/a Dr. Taha Jabir al'Alwani, Abu Agab, and Abu Waiel a/k/a Abu Aw'el a/k/a Sadoun Abdul Latif are natural persons, subjects and citizens of Iraq and leaders, officials, agents/or employees of Iraq and/or its Intelligence Agency, or are the personal representatives of their estates, who participated in the acts and conspiracy described below while acting in the course and scope of their employment.

**Proposed Modified Version**

36. Defendants Saddam Hussein, the Estate of Qusay Hussein, the Estate of Uday Hussein, Husham Hussein, Tahya Yassin Ramadan a/k/a Taha Yassin Ramadan, Muhammed Madhi Salah a/k/a Muhamed Mahdi Salah, Faruq Al-Hijazi, Salah Suleiman, Ahmed Khalil Ibrahim Samir al-Ani, Habib Faris Adullah al-Mamouri, Abdel Hussein, a/k/a “The Ghost,” Haqi Ismail a/k/a Haqui Ismail, Taha Al Alwani a/k/a Dr. Taha Jabir al’Alwani, Abu Agab, and Abu Waiel a/k/a Abu Aw’el a/k/a Sadoun Abdul Latif are natural persons, subjects and/or citizens of Iraq and/or leaders, officials, agents/or employees of Iraq and/or its Intelligence Agency, **and/or** are the personal representatives of their estates, who participated in the acts and conspiracy described below, **and as to those employees, leaders, officials and agents only**, while acting in the course and scope of their employment **and/or position**.

**PROPOSED AMENDMENT NO. 3**

Paragraph 41, line 5

**Current Version:**

Laden, Haqui Ismail, Taha Al Alwani, Abu Agab, and Abwaiel, Osama Bin Laden

**Proposed Modified Version:**

Laden, Haqui Ismail, Taha Al Alwani **a/k/a Dr. Taha Jabir al’Alwani**, Abu Agab, and Abwaiel, Osama Bin Laden

**CERTIFICATE OF SERVICE OF  
NOTICE OF PLAINTIFFS' CROSS MOTION**

I, Jerry S. Goldman, Esquire, certify that on this 18<sup>th</sup> day of November, 2005, I caused an electronic copy of the foregoing Notice of Plaintiffs' Cross Motion to be served by the Court's electronic filing system upon all parties scheduled for electronic notice.

---

Jerry S. Goldman, Esquire (JG8445)  
LAW OFFICES OF JERRY S. GOLDMAN  
& ASSOCIATES, P.C.  
111 Broadway, 13<sup>th</sup> Floor  
New York, NY 10006  
(212) 242-2232

*Attorneys for Plaintiffs, Estate of John P. O'Neill,  
Sr., et al.*